

April 3, 2003

DOCKET NO. 03-00074

**ORDER APPROVING
FIRST SET OF AMENDMENTS TO INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Pat Miller of the Tennessee Regulatory Authority (the “Authority” or “TRA”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 17, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the first set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc.

The original interconnection agreement between these parties was filed on June 21, 2001, under Docket No. 99-00430. It was approved at a regularly scheduled Authority Conference on June 26, 2001. The first set of amendments, which is the subject of this docket, was filed on January 29, 2002.

Based upon a review of the first set of amendments, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.

3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

¹ See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the first set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc. is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director